



FAIR POLITICAL PRACTICES COMMISSION

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June 9, 2000

Robert W. Ford
Chair, CDF Firefighters
924 Enterprise Drive
Sacramento, California 95825

**Re: Your Request for Advice
Our File No. I-00-099**

Dear Mr. Ford:

This letter is in response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹ Since you have not identified the name of the member on whose behalf you wish to pay membership dues, your letter is considered a request for informal assistance.²

QUESTION

May the CDF Firefighters PAC, a general purpose committee, pay for the annual association dues of a retired member of the CDF Firefighters Association in recognition of the member's previous voluntary contributions to the California Firefighters PAC?

CONCLUSION

Campaign funds may be used to pay for the association dues of a retired member in recognition of the member's previous voluntary contributions to the CDF Firefighters PAC.

¹ Government Code sections 81000 - 91015. Commission regulations appear at title 2, sections 18109 - 18996, of the California Code of Regulations.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; Regulation 18329(c)(3).)

FACTS

You are inquiring whether Section 89512.5 would apply in the situation where your general purpose committee wishes to pay for the dues of a retired member. The CDF Firefighters PAC ("PAC") is comprised of members of the CDF Firefighters Association ("Association"). Firefighting employees of the California Department of Forestry and Fire Protection constitute the Association. An active member of the Association pays approximately \$40.00 per month to the Association, of which \$5.00 of that amount is directed to the PAC. In addition to the amount that is directed to the PAC, additional voluntary contributions are also made by certain members to the PAC.

In our telephone conversation on June 6, 2000, you stated that upon the retirement of an association member, after the member has voluntarily contributed at least \$10.00 per month for fifteen years to the PAC, the PAC wishes to pay the member's association dues in the amount of \$24.00 per year.

ANALYSIS

The Political Reform Act was created to accomplish several purposes, one such purpose being that the receipts and expenditures in election campaigns be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited. (Section 81002.) To accomplish that goal, the Act requires that candidates and committees disclose sources of campaign contributions and expenditures at specific times. In addition, candidates and committees are restricted in their use of the contributions they receive.

A committee, including a sponsored committee, must disclose all contributions, including non-monetary contributions, and all expenditures of campaign funds. The expenditure of campaign funds must be *reasonably* related to a political, legislative or governmental purpose. Any expenditure that confers a substantial personal benefit on any individual(s) with authority to approve the expenditure of campaign funds, must be *directly* related to a political, legislative, or governmental purpose. (Sections 84211 and 89512.5.)

Section 89513(f)(1) prohibits the use of campaign funds for the purpose of making personal gifts unless the gift is *directly* related to a political, legislative, or governmental purpose. (*Wold* Advice Letter, No. A-91-062.)

According to your facts, the PAC wishes to pay for a retired member's dues in the amount of \$24.00 per year. The annual dues would be paid to the Association. Should the PAC pay the dues of a retired member in recognition of the member's previous contributions to the PAC, such expenditure would be a permissible use of funds. The Commission has previously held that the expenditure of campaign funds for gifts to be used as an inducement to potential contributors is directly related to a political purpose and is a permitted expenditure of campaign funds. (*Wold* Advice Letter, *supra*.) We believe it would be analogous to say that if a committee pays the dues of a retired member who was a dues paying member for fifteen years, in

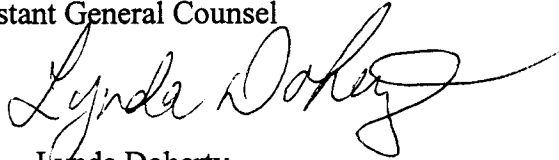
appreciation of his or her prior support, it would be considered to fall under Section 89513(f)(1) and would be considered a gift to the retired member, and would be *directly* related to a political purpose. As such, it would be a permitted expenditure of campaign funds.

As is the case with all committee expenditures, payment of the retired member's dues would need to be reported by the committee on its campaign statement.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
Assistant General Counsel

A handwritten signature in black ink that reads "Lynda Doherty". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

By: Lynda Doherty
Political Reform Consultant, Legal Division

LM:LD:tls

cc: Robert W. Ford
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